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5 Counsel for Defendant RUELAS

**FILED**

JUL 13 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,  
12 Plaintiff,

13 vs.

14 MICHAEL RUELAS and  
LORENZO ISRAEL GARCIA,  
15 Defendant.

) Nos. CR 11- 00558 - LHK  
) CR 11- 00559 - LHK  
) CR 11- 00560 - LHK  
) CR 11- 00706 - LHK

) JOINT STIPULATION AND REQUEST TO  
) CONTINUE SENTENCING HEARING  
) DATE TO OCTOBER 17, 2012; AND  
) ~~PROPOSED~~ ORDER

16  
17 **STIPULATION**

18 Defendant Michael Ruelas, by and through Assistant Federal Public Defender Varell L.  
19 Fuller; Lorenzo Israel Garcia, by and through Counsel Jack Gordon; and the United States, by  
20 and through Assistant United States Attorney Thomas M. O'Connell, hereby stipulate and agree,  
21 subject to the Court's approval, that the sentencing hearing presently set for Wednesday, July 18,  
22 2012, at 9:00 a.m., be continued to Wednesday, October 17, 2012, at 9:00 a.m.

23 Defendants Michael Ruelas and Lorenzo Israel Garcia have pled guilty and a sentencing  
24 hearing is presently set for July 18, 2012, as to both defendants. The parties respectfully ask that  
25 the sentencing hearing date be continued. Both defense counsel respectfully request additional  
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time to investigate and effectively prepare arguments regarding the Court's sentencing determination. The parties, having conferred about their respective availability for the setting of a new sentencing hearing date, respectfully request that the sentencing hearing date be continued to October 17, 2012. United States Probation Officer Benjamin Flores, who has been assigned to conduct the presentence investigation, has been consulted about the requested continuance and has no objection. The parties further agree that the deadlines by which the United States Probation Office must disclose the draft and final pre-sentence reports shall be adjusted according to the new October 17, 2012, sentencing date.

Dated: July 12, 2012

/s/  
VARELL L. FULLER  
Assistant Federal Public Defender  
Counsel for Michael Ruelas

Dates: July 12, 2012

/s/  
JACK GORDON  
Counsel for Lorenzo Israel Garcia

Dated July 12, 2012

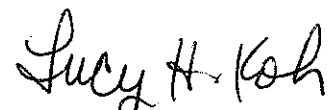
/s/  
DANIEL R. KALEBA for  
THOMAS M. O'CONNELL  
Assistant United States Attorney

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**[PROPOSED] ORDER**

GOOD CAUSE APPEARING, and by stipulation of the parties, it is hereby ordered that the sentencing hearing date set for Wednesday, July 18, 2012, at 9:00 a.m. is continued to Wednesday, October 16, 2012, at 10:00 a.m., and the dates by which United States Probation must disclose the draft and final pre-sentence reports shall be adjusted accordingly.

Dated: 7/13/12

  
THE HONORABLE LUCY H. KOH  
United States District Court Judge

Stipulation and ~~Proposed~~ Order Continuing  
Hearing